IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.10012/2007.

Rajasthan State Road Transport Corporation
Vs.
Menka Devi & Anr.

Date of order : 5/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri N.S. Chauhan for the petitioner.

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Heard learned counsel for the petitioner.

2) Petitioner RSRTC has challenged theorder dated 20/8/2007 (Annexure-4) whereby the MACT Jaipur has passed the order for interim-award for amount of Rs.25000/- in the claim petition filed by respondent No.1.

3) The facts of the case in brief are that the claimants while travelling in the bus of the RSRTC being No.RJ-14-P-7913, the same was hit from behind by a Mini Truck bearing No.RJ-14-1G-5261 which was being driven by the respondent No.3.

4) Learned counsel for the petitioner has argued that roadways bus was hit by the vehicle of respondent No.3 when it was stationed and not

moving and therefore the liability for interim-award cannot be fastened on it as their vehicle was hit by Mini Truck owned by respondent No.3.

5) On consideration of the arguments of the learned counsel for the petitioner and the documents forming part of this petition, I find that the learned Tribunal has merely passed an interim-award for a sum of Rs.25,000/- which is in law considered as "no fault liability" whereas, liabilities of the vehicle even if they are more than one in number involved in the accident, is not determined and it is supposed to be interim-compensation so as to fulfill the minimum medical aid/requirement of the injured and/or dependants of the deceased.

6) I therefore do not find any extraordinary reason to interfere with the aforesaid order.

The writ petition is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

anil/-